

REFERENCE TITLE: organizational rights; employee organizations

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

# HB 2451

Introduced by  
Representatives Burns J, Alvarez, Senators Blendu: Aboud, Arzberger, Gray  
L, O'Halleran

## AN ACT

AMENDING SECTION 23-1412, ARIZONA REVISED STATUTES; RELATING TO  
ORGANIZATIONAL RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 23-1412, Arizona Revised Statutes, is amended to  
3 read:

4       23-1412. Department of public safety; state department of  
5           corrections; administrative office of the courts;  
6           employee organizations; terms and conditions of  
7           employment; definitions

8       A. The department ~~of public safety~~ is recognized as the sole and  
9       exclusive authority pursuant to law with respect to determining the level of  
10      and the manner in which the department ~~of public safety~~ activities are  
11      conducted, managed and administered. It is the exclusive right of the  
12      director of the department ~~of public safety~~ to establish and maintain  
13      departmental rules and procedures for the administration of the department ~~of~~  
14      ~~public safety~~.

15      B. Department employees or employee organizations shall not engage in  
16      a sickout, work slowdown or strike or any other action that will disrupt the  
17      delivery of services.

18      C. This section shall not be construed to:

19       1. Affect or limit the existing right of the department ~~of public~~  
20      ~~safety~~ to:

21       (a) Direct the work of department employees.  
22       (b) Hire, promote, demote, transfer, assign and retrain department  
23      employees.

24       (c) Suspend, discharge or discipline department employees.  
25       (d) Maintain the efficiency of governmental operations.  
26       (e) Relieve department employees from job responsibilities due to lack  
27      of work or other legitimate reasons.

28       2. Invalidate or limit other rights, remedies or procedures of this  
29      state relating to any issue of employment of department employees.

30       D. The department ~~of public safety~~ shall:

31       1. Allow department employees the right to form and join employee  
32      organizations.

33       2. Recognize an employee organization that is elected by a majority of  
34      votes that are cast by department employees in a representation election of  
35      which a majority of eligible employees participate in that election.

36       3. Agree to meet and confer with the elected employee organization  
37      regarding hours and terms and conditions of employment. The terms and  
38      conditions discussed pursuant to this paragraph shall not include wages.

39       4. Commit any agreements regarding working conditions and hours to  
40      writing in a contract.

41       E. The elected employee organization and THE department ~~of public~~  
42      ~~safety~~ shall meet and confer on a regular basis, at least once every two  
43      years, to discuss hours of employment and other conditions of employment of  
44      department employees. On the request of the employee organization, the  
45      department ~~of public safety~~ shall meet and confer with the employee

1 organization in good faith at reasonable times. If the department ~~of public~~  
2 ~~safety~~ and the employee organization reach an agreement, the agreement shall  
3 be submitted to the governor for consideration pursuant to subsection G.

4 F. If an agreement is not reached and the possibility of settlement is  
5 remote after the parties meet and confer for a reasonable period of time, the  
6 department ~~of public safety~~ or the employee organization may offer to the  
7 other party a written request to begin a mediation process. The mediation  
8 process shall be voluntary and nonbinding. The mediation process shall use a  
9 neutral third party mediator to assist the parties in reaching a voluntary  
10 agreement. During the mediation process, each party shall agree to make a  
11 good faith attempt to resolve the issues, to cooperate with the mediator and  
12 to be open, candid and complete. The mediator shall only facilitate the meet  
13 and confer process and shall not impose any term of the agreement on the  
14 parties. If the parties reach an agreement during the mediation process, the  
15 agreement shall be submitted to the governor for consideration pursuant to  
16 subsection G. If the mediation process does not resolve all disputed issues  
17 between the parties, either party may advise the governor of the issues that  
18 remain in dispute.

19 G. The governor shall review any agreement or proposed compromise that  
20 is reached under this section. The governor may reject, accept or modify any  
21 agreement or compromise after considering the interests of the department  
22 employees and the public interest. Any agreement or compromise is subject to  
23 all applicable statutory limitations for the department ~~of public~~  
24 ~~safety~~. The final decision by the governor shall be binding.

25 H. The department ~~of public safety~~ shall record the proceedings of  
26 each meeting with an employee organization.

27 I. The department ~~of public safety~~ may adopt policies to govern the  
28 process established pursuant to this section.

29 J. For the purposes of this section: —

30 1. "DEPARTMENT" MEANS ANY OF THE FOLLOWING, WHICHEVER IS APPLICABLE:  
31 (a) THE DEPARTMENT OF PUBLIC SAFETY FOR DEPARTMENT OF PUBLIC SAFETY  
32 EMPLOYEES.

33 (b) THE STATE DEPARTMENT OF CORRECTIONS FOR STATE DEPARTMENT OF  
34 CORRECTION EMPLOYEES.

35 (c) THE ADMINISTRATIVE OFFICE OF THE COURTS FOR PROBATION,  
36 SURVEILLANCE AND JUVENILE DETENTION OFFICERS.

37 2. "Employee organization" means any organization of any kind, or any  
38 agency or employee representation committee or plan, in which employees  
39 participate and ~~which~~ THAT exists for the purpose, in whole or in part, of  
40 dealing with employers concerning grievances, labor disputes, training, hours  
41 of employment or other conditions of employment.